

GEORGE M. KAPOLCHOK
KAPOLCHOK LAW OFFICES, LLC
360 K Street, Suite 100
Anchorage, Alaska 99501
Phone: (907) 278-8850
Fax: (907) 278-8860
E-mail: lawoffices@kapolchok.com

Attorney for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

JOHNNIE CRISCO and THE)
ESTATE OF ANNA CRISCO by HER)
PERSONAL REPRESENTATIVE,)
ROBIN BOOKER,)
Plaintiffs,)
vs.)
UNITED STATES OF AMERICA,)
Defendant.)

Case No. 3:03-cv-00011-JKS

STIPULATED MOTION TO
CONTINUE TRIAL DATE AND
RESET PRETRIAL DEADLINES

The parties respectfully request the Court vacate the trial set for December 5, 2006 and reset the matter in six to eight months. The following facts compel this request:

- 1) Approximately four weeks ago, plaintiff fell ill with symptoms of chest pain, persistent coughing, and blood in his sputum. A family practice doctor x-rayed Mr. Crisco's lungs and detected a substantial mass. Plaintiff

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2 was immediately referred to the VA clinic in Anchorage for further
3 diagnosis.

- 4 2) The VA clinic, over the past three weeks, has conducted numerous tests to
5 confirm a diagnosis of lung cancer. Among these tests was a profusion
6 study, additional x-rays, numerous blood panels and most recently a
7 sophisticated PET scan, the report of which is attached.

8 On the day this motion was prepared, Mr. Crisco is undergoing a biopsy of the
9 masses found in his lungs. The effort is to classify the cells.

10 Plaintiff's counsel has conferred with plaintiff's primary guiding physicians. As
11 things presently stand, the plan is to have Mr. Crisco go to Seattle to have the tumors
12 surgically removed. Depending on the results of the pathology reports, Mr. Crisco will
13 then undergo a six month regime of chemotherapy and some form of radiation. Although
14 too early to tell, there does not appear to be metastasis and the prognosis is hopeful.

15 Therefore, Mr. Crisco is and will for some time under the best case scenario be
16 unable to participate in preparation for and conduct of the trial set in early December.
17 Plaintiff's counsel and the government's attorney agree that the best course of action is to
18 continue the case for a period of six months.

19
20 DATED: 10/11/06

George M. Kapolchok
George M. Kapolchok
Alaska Bar No. 7510071
Attorney for Plaintiffs

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24 DATED: 11 October 06

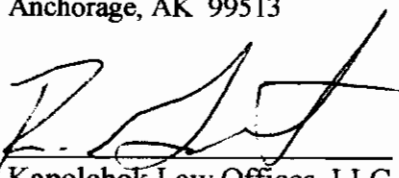
Richard L. Pomeroy
Richard L. Pomeroy
Alaska Bar No. 8906031
Attorney for Defendant

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3 CERTIFICATE OF SERVICE

4 I hereby certify that on this 11th day
5 of October, 2006, a true and correct
6 copy of the foregoing document was
7 hand delivered upon:

8 Richard L. Pomeroy
9 Assistant U.S. Attorney
10 222 W. 7th Ave., #9 Room 253
11 Anchorage, AK 99513

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